

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

\*\*\*\*\*

AMRO FARID

vs.

23-cv-426-SM

TRUSTEES OF DARTMOUTH COLLEGE

\*\*\*\*\*

DEPOSITION BY ZOOM OF DAVID KOTZ, a witness  
called on behalf of the Plaintiff, pursuant to the  
Rules of Civil Procedure, before Karen D. Pomeroy,  
Registered Diplomate Reporter and Licensed Court  
Reporter (No. 71) in and for the State of  
New Hampshire, at 14 North Main Street, Hanover, New  
Hampshire, on Friday, March 28th, 2025, commencing at  
10:01 a.m.

1 APPEARANCES:

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8  
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13 For the Defendant

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\*Denotes exhibits requested to be deemed confidential

The following page/line designations refer to portions of testimony requested to be deemed confidential:

28/22, 29/15, 36/13

Exhibits Attached

## STIPULATIONS

It is stipulated by and between counsel for the respective parties that the deposition transcript is to be read and signed by the deponent under the pains and penalties of perjury; and that the sealing and filing thereof are waived; and that all objections, except as to form, and motions to strike are reserved until the time of trial; and that the witness may be sworn remotely.

\* \* \*

DAVID KOTZ,

having been duly remotely sworn by the reporter, was deposed and testified as follows:

EXAMINATION

BY MR. SULMAN:

Q. Professor, good morning.

A. Good morning.

Q. Can you state and spell your name for the record, please.

A. David Kotz. D-a-v-i-d K-o-t-z.

Q. And so --

MR. ZAHARIAS: Joe, sorry to interrupt, but I

1 just want to make sure on the record that we have  
2 the same stipulations as we've been agreeing to  
3 for all the other depositions.

4 MR. SULMAN: Yes, Counsel. We'll agree to  
5 the same stipulations as to the deposition on  
6 Tuesday and Wednesday for Dean Abramson.

7 Karen, can you get those? Thank you.

8 MR. ZAHARIAS: Thank you.

9 BY MR. SULMAN:

10 Q. Professor Kotz, where are you located today?

11 A. In Hanover, New Hampshire.

12 Q. Are you at Dartmouth facilities?

13 A. Yeah, I'm at the provost office. Literally in  
14 the Office of the Provost.

15 Q. Okay. Do you have any documents in front of you  
16 that you're going to be looking at to help you  
17 today?

18 A. No.

19 Q. Okay. Have you ever had your deposition taken  
20 before?

21 A. Yes, but only as an expert witness. Not as a  
22 fact witness.

23 Q. What was the -- what subject was your expertise  
24 in?

1 A. Well, I've done this work in a couple of  
2 different topics, but largely in wireless  
3 networks, mobile computing, parallel computing.

4 Computer science very broadly.

5 Q. Okay. So you've never had your deposition taken  
6 before in the context of your employment at  
7 Dartmouth?

8 A. Correct.

9 Q. Okay. Well, let me just explain the process here  
10 a little bit.

11 As you know, I represent former  
12 Professor Amro Farid in a lawsuit against  
13 Dartmouth. You're here to answer questions about  
14 your knowledge of certain facts. You've taken an  
15 oath to answer the questions truthfully to the  
16 best of your abilities.

17 Is there anything today other than simple  
18 memory issues that may make it difficult for you  
19 to answer the questions?

20 A. Nope.

21 Q. Okay. A couple pointers to help you along here  
22 today.

23 It's important that you answer the questions  
24 I ask you verbally rather than with a head nod or

1 head shake so the court reporter can take  
2 everything down.

3 Is that okay?

4 A. Okay.

5 Q. Great. It's also important that you understand  
6 all the questions I ask you; so if I ask a  
7 question and it's not clear, it's confusing, or  
8 if it simply doesn't come through clearly because  
9 I mumble or the technology makes it just, you  
10 know, not come through, because we're on Zoom,  
11 please ask me to rephrase the question.

12 Otherwise, when you answer the question, it's  
13 going to appear in the transcript as if you  
14 understood the question.

15 Is that okay?

16 A. Okay.

17 Q. Great. Also it's important that -- unlike a  
18 regular conversation, that we don't speak over  
19 each other. Otherwise, it will make it difficult  
20 for the court reporter to take everything down;  
21 so I'll ask you to do your best to let me finish  
22 my question fully to the punctuation, and,  
23 likewise, I'll do my best to let you finish your  
24 answer to the -- fully to the period so she can

1 take everything down.

2 Okay?

3 A. Okay.

4 Q. Great. Also, if you need to take a break for any  
5 reason -- stretch your legs, use the restroom --  
6 that's fine.

7 I just ask if there's a question pending,  
8 please answer the question first before you take  
9 a break.

10 Okay?

11 A. Okay.

12 Q. Can you take me through your education up through  
13 your Ph.D.

14 A. Well, so where do you want me to start? High  
15 school?

16 Q. College, please.

17 A. So I went to Dartmouth College 1982 to 1986;  
18 graduated with an AB degree in 1986.

19 Went straight off to Duke University as a  
20 Ph.D. student in computer science. Graduated  
21 there in 1991.

22 Came straight back to Dartmouth to join the  
23 faculty in 1991.

24 Q. In the computer science department?



1 A. I was -- as an undergraduate I was a computer  
2 science and physics double major, and as a  
3 graduate student, Ph.D. in computer science, and  
4 I'm on the faculty of computer science.

5 Q. And when did you obtain tenure?

6 A. Six years after arrival; so 1997.

7 Q. And when did you become provost?

8 A. Well, so I first became interim provost in 2017  
9 and served for 11 months until late 2018, and  
10 then when the subsequent provost left, I was  
11 asked to come back as interim provost in the  
12 summer of 2021, and about six months later,  
13 President Hanlon asked me to stay on as provost;  
14 so the precise answer to your question would be  
15 2022, of 2022.

16 Q. But you had a previous stint as interim provost?

17 A. Correct.

18 Q. Okay. Who was the provost before you served as  
19 interim provost in 2017?

20 A. Carolyn Dever.

21 Q. And the permanent provost after your first time  
22 as interim provost, that was Joseph Helble?

23 A. Correct.

24 Q. Okay. In your current position as provost, do

1       you continue to have any teaching  
2       responsibilities?

3       A.   No.

4       Q.   Okay.  Is that your choice?

5       A.   Yes.

6       Q.   What are you duties and responsibilities as  
7       provost?

8       A.   Well, the way I usually explain it is that the  
9       provost is the chief academic officer of the  
10      college and the chief budget officer of the  
11      college.

12               So I oversee all aspects of academic  
13      operations including the, you know, graduate,  
14      professional undergraduate schools, and also many  
15      academic units like the library; and as the chief  
16      budget officer, I collaborate closely with the  
17      finance office to arrange the annual budget and  
18      to monitor our financial situation.

19      Q.   Does the provost office have any role in  
20      promotion decisions for faculty?

21               MR. ZAHARIAS:  Objection.  Form.

22      A.   It depends on the school.  So in -- we have four  
23      different faculties, arts and science, medical,  
24      engineering, and business, and the role of the

1 provost differs in those four cases.

2 BY MR. SULMAN:

3 Q. So what about for the Thayer School? Does the  
4 provost have any role in that school?

5 A. And the question was about tenure; correct?

6 Q. So my question was specific to promotion, but,  
7 yes, promotion to --

8 A. Promotion.

9 Q. But I'm talking about promotion for tenure.

10 A. Okay. No formal role in that process.

11 Q. What about an informal role in promotion to  
12 tenure at Thayer?

13 A. So the provost is invited each year by courtesy  
14 from the committee advisory to the president to  
15 sit in on their meetings where cases for  
16 promotion and tenure are held for faculty in the  
17 arts and sciences, which includes tenure-line  
18 faculty in the Thayer School of Engineering.

19 Q. Did you sit in on the CAP meeting when they  
20 discussed for Professor Farid's tenure position?

21 MR. ZAHARIAS: Objection. Form.

22 A. I actually don't remember whether I was in the  
23 room on that particular case.

24 BY MR. SULMAN

1 Q. When I say in the room, I meant via Zoom or  
2 otherwise?

3 A. Yes. I mean, in the meeting, I don't remember.  
4 I'm sorry.

5 Q. Okay. Did you have a voting -- did you have a  
6 role in voting?

7 A. No.

8 Q. Do you have a vote?

9 A. No, I do not.

10 Q. Okay.

11 A. The provost does not.

12 Q. Do you recall if you had any discussions with  
13 members of the CAP about Professor Farid's tenure  
14 decision?

15 A. No.

16 Q. You don't recall one way or the other?

17 A. Correct.

18 Q. Okay. Regarding appeals of tenure decisions, do  
19 you have any roles when a faculty member wants to  
20 appeal a tenure decision?

21 A. No.

22 Q. You don't. All right. Are you aware of the fact  
23 that, in this case, Professor Farid was denied  
24 tenure and appealed that decision?

1 MR. ZAHARIAS: Objection. Form.

2 A. I don't recall -- I do recall that there was an  
3 appeal.

4 I -- I had no formal role in -- I wouldn't  
5 have any formal role in that appeal in any case.

6 BY MR. SULMAN:

7 Q. Did you have any informal role in that appeal?

8 A. Well, that's what I'm trying to remember is --  
9 because I recall hearing that there was an  
10 appeal, and I think I was only involved in maybe  
11 some conversations about process but certainly  
12 not in the outcome.

13 Q. Okay. Do you -- you have no role in approving or  
14 denying a procedural or otherwise appeal of a  
15 tenure decision?

16 MR. ZAHARIAS: Objection. Form.

17 A. Right.

18 Q. I'm sorry?

19 A. Correct.

20 Q. Okay. Just to clarify, sometimes your attorney's  
21 going to object, and it helps for the court  
22 reporter if you can pause a second so she can  
23 hear your answer so you don't speak over each  
24 other.

1 A. Right. So I should pause every time to see if he  
2 want to jump in?

3 Q. That's right.

4 MR. ZAHARIAS: Thank you, Dave. And thanks,  
5 Joe.

6 BY MR. SULMAN:

7 Q. What is the provost office role when either a  
8 student or another -- any individual brings  
9 allegations involving a professor's research?

10 MR. ZAHARIAS: Objection. Form.

11 A. So Dartmouth has a research misconduct policy,  
12 and it's overseen by staff in my office.

13 Q. And does the actual provost, your position,  
14 specifically have any role in that?

15 A. Yes. According to the policy, there are points  
16 at which the provost would have a role.

17 Q. And what points are those?

18 A. Well, it's a complex policy with many different  
19 steps, and so it depends.

20 Q. I've just sent you Exhibit 1 in the chat box.  
21 Let me know if you get it and can open it up.

22 A. Okay. I've got it.

23 Q. Is this Dartmouth College Research Misconduct  
24 Policy and Procedures?

1 A. That's what it says.

2 Q. Okay. And was it the applicable policy during  
3 the time that the allegations against  
4 Professor Farid were under review?

5 MR. ZAHARIAS: Objection. Form.

6 A. You know, I can't confirm that because this -- I  
7 see this was accepted in 2005.

8 Without doing some research, I couldn't  
9 confirm that it was the one in effect at the  
10 time.

11 BY MR. SULMAN:

12 Q. Your office was in charge of that investigation;  
13 correct?

14 A. Correct.

15 Q. Okay. So what policy -- was the policy updated  
16 when -- during the time of Professor Farid's  
17 investigation?

18 A. Not that --

19 MR. ZAHARIAS: Objection. Form.

20 A. Sorry. Not that I'm aware of, but, again, I --  
21 so I don't know.

22 Q. Okay. Were you involved in any update of the  
23 research misconduct policy?

24 A. Not recently anyway.

1 Q. Not in the past couple years?

2 A. Not that I recall.

3 Q. I just sent you Exhibit 2. Let me know when you  
4 have it open.

5 A. Okay. I have it open.

6 Q. Okay. Exhibit 2 is a document entitled Dartmouth  
7 Research Misconduct Policy and Procedures.

8 On the right-hand side you'll see it says  
9 Effective Date, June 10th of '05. Last Revised  
10 Date, April 1, 2024.

11 Does that read correctly?

12 A. I see that.

13 Q. Okay. Were you aware that this policy was  
14 revised on or about April 1st, 2024?

15 A. I don't recall.

16 Q. Okay. And below that, it says Division, Office  
17 of the Provost; correct?

18 A. Correct.

19 Q. Okay. And you weren't involved in any revision  
20 of this policy?

21 A. I can't recall.

22 Q. So sitting here today, are you able to tell me  
23 how this policy was revised in the past five  
24 years?



1 A. Are you asking to summarize the changes in the  
2 policy in previous revisions?

3 Q. Yes.

4 A. No, I don't remember. Sorry.

5 Q. Well, are you -- do you remember that there were  
6 changes in this policy in the past five years?

7 A. It -- honestly, it wouldn't surprise me, and  
8 obviously --

9 Q. I'm not asking you what you guess. I'm asking if  
10 you know.

11 Do you know if --

12 A. No, I don't recall. I'm sorry.

13 Q. Do you recall that there were changes to the  
14 policy?

15 A. No, I don't recall.

16 Q. So there may not have been or there may have  
17 been; you just don't know?

18 A. There may have been changes, but I don't recall.

19 Q. Or there may not have been?

20 A. There may not have been; there may have been.

21 According to the document you just sent me,  
22 there apparently were changes in April of 2024; I  
23 just don't recall what they were and being --  
24 whether I was involved.

1 Q. Okay. Outside of Professor Farid's case, what is  
2 your position's involvement in a research  
3 misconduct investigation?

4 A. Generally the Vice Provost for Research,  
5 Dean Madden, would bring it to my attention, and  
6 he would summarize the process and the steps that  
7 he recommends taking, and, in most cases, I  
8 delegate to him the authority to do that where  
9 it's necessary per the policy.

10 Q. So is it your testimony that where the policy  
11 says the provost shall do something, you  
12 generally delegate that step to Dean Madden or  
13 the Vice Provost for Research?

14 MR. ZAHARIAS: Objection. Form.

15 A. You know, I think the policy mentions the  
16 provost's role in several places; and so I'm not  
17 sure I could answer that in a categorical, but I  
18 have -- I definitely recall delegating  
19 authority -- certain authorities to the  
20 vice provost for many cases.

21 BY MR. SULMAN:

22 Q. Not just Amro Farid?

23 MR. ZAHARIAS: Objection. Form.

24 A. Yes, other cases.

1 Q. And is that -- is that because of a conflict? Or  
2 simply for efficiency purposes or non-conflict  
3 reasons?

4 MR. ZAHARIAS: Objection. Form.

5 A. Efficiency.

6 BY MR. SULMAN:

7 Q. Okay. So I'm going to turn your attention on  
8 Exhibit 1 here to page 11; a section that says  
9 Preliminary Assessment of Allegations.

10 A. Page 11. Yes.

11 MR. ZAHARIAS: And, Joe, is that page 11 of  
12 the PDF or page 11 of the document itself or is  
13 it the same?

14 MR. SULMAN: It's actually the same on this  
15 document.

16 MR. ZAHARIAS: All right. Thank you.

17 A. So I see Section B, Preliminary Assessment of  
18 Allegation to Determine if Inquiry is Warranted.

19 Is that what you're --

20 Q. That's right.

21 A. Okay.

22 Q. So do you see where it says Upon receiving an  
23 allegation of research misconduct, the provost  
24 and the responsible dean shall?